

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

**CRIMINAL MINUTES**

**Date:** January 8, 2019

**Time:** 1:40 – 2:13 =

33 Minutes

**Judge:** EDWARD M. CHEN

**Case No.:** [17-cr-00533-EMC-6](#)

**Case Name:** USA v. Russell Taylor Ott

**Attorney for Government:** Kevin Barry

**Attorney for Defendant:** Robert Waggener

**Defendant:** [X] Present [ ] Not Present

**Defendant's Custodial Status:** [X] In Custody [ ] Not in Custody

**Deputy Clerk:** Angella Meuleman

**Interpreter:**

**Court Reporter:** Ana Dub

**Probation Officer:** Josh Libby

**PROCEEDINGS**

[496] Motion to Revoke Detention Order – held.

**SUMMARY**

Parties stated appearances. This defendant was placed in detention due to a pretrial violation. Three sureties have committed to posting bond for defendant. Defendant has been charged with conspiracy to murder by Superseding Indictment and the Government is determining whether or not this defendant will be charged as death eligible. The Court questioned the parties regarding the status of discovery with respect to this defendant. From the Government's perspective, discovery produced thus far involves phone records, including location information; facts about the missing victim and the burnt truck of victim. No other discovery in connection with the murder charge against Defendant Ott has been produced, and no other evidence except for confidential statements is planned. Government concedes it is difficult for the Court to evaluate strength of the case against Defendant Ott.

The Government is opposed to release. Pretrial recommends if released, would recommend direct release to halfway house or released to home on lockdown (not curfew) with RF monitoring. Defense counsel recommends release to family member in Santa Rosa on partial lockdown so he can work with his brother in Santa Rosa. Pretrial further recommends if released, defendant should be on complete lockdown and not allowed to work so he can regain necessary trust with probation and with the Court.

Court recognized gravity of the capital charges and the release violation but noted Defendant had with one exception complied with release conditions even when faced with a potential life

sentence, as well as Defendant Ott's age and deep ties to family and community. The Court found there are conditions which can reasonably assure his appearances and safety of the community.

The Court will grant the Motion with release to include all previous conditions, particularly the total lockdown as stated on the record by pretrial services.

The following proposed sureties came forward: Susan Madieros, Kimberly Ott, Terry Ott, and were admonished by the Court.

The Court ORDERED all sureties present to appear before Magistrate Sallie Kim to sign a new bond for defendant's release. REMANDED to Magistrate Judge Sallie Kim.